

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2510  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 6-901, Arizona Revised Statutes, is amended to  
3 read:

4 **6-901. Definitions**

5 In this article, unless the context otherwise requires:

6 1. "Affiliate" means an entity ~~which~~ THAT directly or indirectly,  
7 through one or more intermediaries, controls, is controlled by or is under  
8 common control with the entity specified.

9 2. "Compensation" means anything of value or any benefit, including  
10 points, commissions, bonuses, referral fees, loan origination fees and other  
11 similar fees but excluding periodic interest resulting from the application  
12 of the note rate of interest to the outstanding principal balance remaining  
13 unpaid from time to time.

14 3. "Continuing education unit" means a fifty minute period of time in  
15 a continuing education course that relates to the mortgage industry or to  
16 mortgage transactions, including courses taken to maintain recognized  
17 industry designations.

18 4. "Investor" means a person who lends or invests money in mortgage  
19 loans.

20 5. "License" means a license issued under this article.

21 6. "Licensee" means a person licensed under this article.

22 7. "LOAN MODIFIER" MEANS A PERSON OTHER THAN A LIENHOLDER THAT OFFERS  
23 TO RENEGLIATE OR MODIFY AN EXISTING MORTGAGE LOAN BETWEEN A BORROWER AND A  
24 LENDER.

25 ~~7.~~ 8. "Loan originator" has the same meaning prescribed in section  
26 6-991.

27 ~~8.~~ 9. "Mortgage broker" means a person who is not exempt under  
28 section 6-902 and who for compensation or in the expectation of compensation

either directly or indirectly makes, negotiates or offers to make or negotiate a mortgage loan **AND INCLUDES A LOAN MODIFIER.**

**9. 10.** "Mortgage loan" means a loan secured by a mortgage or deed of trust or any lien interest on real estate located in this state created with the consent of the owner of the real estate.

**10. 11.** "Mortgage loan closing" means the day by which all documents relating to the mortgage loan have been executed and recorded and all monies have been accounted for under the terms of the escrow instructions.

Sec. 2. Section 6-941, Arizona Revised Statutes, is amended to read:

**6-941. Definitions**

In this article, unless the context otherwise requires:

1. "Affiliate" means an entity ~~which~~ THAT directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with the entity specified.

2. "Compensation" means anything of value or any benefit including points, commissions, bonuses, referral fees, loan origination fees and other similar fees but excluding periodic interest resulting from the application of the note rate of interest to the outstanding principal balance remaining unpaid from time to time.

3. "License" means a license issued under this article.

4. "Licensee" means a person licensed under this article.

5. "**LOAN MODIFIER**" MEANS A PERSON OTHER THAN A LIENHOLDER THAT OFFERS TO RENEgotiate OR MODIFY AN EXISTING MORTGAGE LOAN BETWEEN A BORROWER AND A LENDER.

**5. 6.** "Mortgage banker" means a person who is not exempt under section 6-942 and who for compensation or in the expectation of compensation either directly or indirectly makes, negotiates or offers to make or negotiate a mortgage banking loan or a mortgage loan **AND INCLUDES A LOAN MODIFIER.**

**6. 7.** "Mortgage banking loan" means a loan ~~which~~ THAT is funded exclusively from the mortgage banker's own resources, ~~which~~ THAT is directly or indirectly secured by a mortgage or deed of trust or any lien interest on

1        real estate located in this state and ~~which~~ THAT is created with the consent  
2        of the owner of the real property. For the purposes of this paragraph, "own  
3        resources" means any of the following:

4                (a) Cash, corporate capital, warehouse credit lines at commercial  
5        banks, savings banks or savings and loan associations or other sources that  
6        are liability items on the mortgage banker's financial statements for which  
7        its assets are pledged.

8                (b) Correspondent contracts between the mortgage banker and a bank,  
9        savings bank, trust company, savings and loan association, credit union,  
10       profit sharing or pension trust, consumer lender or insurance company.

11                (c) The mortgage banker's affiliates' cash, corporate capital,  
12        warehouse credit lines at commercial banks or other sources that are  
13        liability items on the affiliates' financial statements for which the  
14        affiliates' assets are pledged.

15                ~~7.~~ 8. "Mortgage banking loan closing" means the day by which all  
16        documents relating to the mortgage banking loan or mortgage loan have been  
17        executed and recorded and all monies have been accounted for.

18                ~~8.~~ 9. "Mortgage loan" means any loan, other than a mortgage banking  
19        loan, secured by a mortgage or deed of trust or any lien interest on real  
20        estate located in this state and created with the consent of the owner of the  
21        real estate."

22        Amend title to conform

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